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Approved For Release 2002/08/21 : CIA-RDP85S00362R000200110001-6

~~NAVY'S SUGGESTED CHANGES TO~~

PARAGRAPHS 4 AND 7 OF DRAFT CHARTER (USCIB 14/14)

(a) Change paragraph 4 to read:

"Decisions of the Board will be based on the principle of unanimity, which will be a prerequisite for action on matters within the Board's purview, and the Director of Central Intelligence will act as Chairman. When decision cannot be reached, the Board will promptly refer the matter for resolution to the National Security Council; provided that, when unanimity is not obtained among the Department heads of the National Military Establishment, the Board shall present the problem to the Secretary of Defense before presenting it to the National Security Council."

(b) Change paragraph 7 to read:

"The Director of Central Intelligence shall act for the National Security Council to insure proper and full implementation of Council directives by issuing such supplementary directives as may be required provided that the Director of Central Intelligence shall be required to obtain the unanimous concurrence of the Board prior to taking any coordinating action in the Communication Intelligence field. Such implementing directives in which the Board concurs unanimously shall be issued to and implemented by the member Departments and Agencies."

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Enclosure (A)

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23 June 1948

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MEMORANDUM FOR:

Rear Admiral R. H. Hillenkoetter,
Mr. W. Park Armstrong, Jr.,
Lieut. General S. J. Chamberlin,
Rear Admiral T. B. Inglis,
Major General C. P. Cabell

Subject: National Security Council Directive relating
to Communication Intelligence.

Enclosure: (A) Tentative Minutes of Third Special Meeting
of the Intelligence Advisory Committee
held on 11 June 1948.

1. Enclosure (A) is forwarded for comment and/or
approval. Please notify the Secretariat accordingly.

CTR Adams
C. T. R. ADAMS
for J. E. FITZPATRICK
Ad Hoc Secretariat

cc:

Rear Admiral E. E. Stone
Colonel Harold G. Hayes

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THIRD SPECIAL MEETING

OF THE

INTELLIGENCE ADVISORY COMMITTEE

25X1

PRESENT:

CIA : [REDACTED] USN, (for Rear Admiral
R. H. Millenhoetter)

STATE : Mr. W. Park Armstrong, Jr.

ARMY : Major General A. R. Bolling (for Lieut. General
S. J. Chamberlin)

NAVY : Rear Admiral Thos. B. Inglis

USAF : Brig. Gen. W. R. Agee, USAF (for Major General
C. P. Cabell)

SECRETARIAT : Lieutenant C. T. R. Adams, USN
: Captain J. E. Fitzpatrick, AUS

ALSO PRESENT :

STATE : Mr. Grant C. Manson

ARMY : Colonel H. G. Hayes
Lieutenant Colonel Guyler L. Clark

NAVY : Captain C. F. Espe
Captain J. N. Wenger

USAF : Colonel R. P. Klocko
Lieutenant Colonel Harold B. Houston

A special meeting of the Intelligence Advisory Committee for consideration of the proposed National Security Council Intelligence Directive relating to Communication Intelligence (COMINT) was held in Room 3E-789 Pentagon Building, Washington, D.C., at 1410 on 11 June 1948.

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ADMIRAL INGLIS noted the absence of the Director of Central Intelligence and said he supposed that acceptable parliamentary procedure would be for the remainder of the IAC members to elect a pro tempore chairman.

MR. ARMSTRONG commented that since [redacted] had been deputized to represent the Chairman it would seem appropriate for the Captain to serve as Chairman. 25X

ADMIRAL INGLIS replied that such an arrangement would be quite acceptable to him but that he nonetheless suggested that a vote be taken.

25X1 MEMBERS discussed this matter briefly and [redacted] took the chair in the absence of Admiral Hillenkoetter. 25X

[redacted] asked Admiral Inglis to repeat essential portions of a conversation on the draft NSCID held with Admiral Hillenkoetter before his departure from the USCIB meeting.

ADMIRAL INGLIS said that the DCI had stated that he presented the "original" draft NSCID to the Executive Secretary of the National Security Council and that a day or so later the latter had expressed his opinion that the draft was not in conformity with the National Security Act of 1947 and hence the NSC could be expected to reject it in its present form. ADMIRAL INGLIS added that after examining the draft the Executive Secretary had prepared the memorandum containing the suggestions now before the IAC. He said that he had received a phone call from the Executive Secretary of the National Security Council (NSC) and would be happy to summarize the call if such were desired.

25X1 [redacted] asked Admiral Inglis to describe the call.

ADMIRAL INGLIS replied that the Executive Secretary had said that:

1. He considered the draft NSCID to be excellent, with the exception of one or two points.
2. He believed the draft not to be entirely in harmony with the National Security Act of 1947.
3. He believed it would be worth while to have the IAC consider any objections to the draft before such objections were brought to the attention of the NSC; thus giving the IAC an opportunity to reconsider the draft, and possibly amend it in light of said objections, before having it go to the NSC thus improving the draft's chances for quick approval.
4. His actions in this matter were being motivated completely by the desire to be helpful to the IAC and that there was no wish on his part to change the substance; that his only desire was to bring the draft into formal adjustment with the National Security Act of 1947.

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5. If the IAC insisted on submitting the originally agreed draft NSCID to the Council, he would have to raise the objections outlined in his draft memorandum now before the IAC.

ADMIRAL INGLIS continued that the Executive Secretary had been most emphatic in disavowing any motivation other than the desire to be of assistance to the interested departments and agencies.

25X1

[redacted] said that, based upon the Executive Secretary's proposed memorandum, the CIA had prepared the revised draft NSCID which had been furnished to USCIB members and had been accompanied by a voting slip for forwarding to the DCI. He added that a vote had been received subsequently from all members except the Army and he requested General Bolling's views on the revised draft.

GENERAL BOLLING said the Army was in hearty and complete agreement with the views expressed in the memorandum that had been forwarded to the DCI from the Department of State. He added that the originally draft NSCID had been unanimously agreed upon, after extended and deliberate consideration by both USCIB and IAC members, and that this agreed version should hence be sent to the NSC with no change whatsoever.

25X1

[redacted] asked whether the General had expressed the position being taken by the other members present.

ADMIRAL INGLIS replied that the Navy agreed with the position set forth in the Department of State's memorandum and considered it to be a fine paper. He added that the Navy had given some consideration to the possibility of suggesting that one course of action which might prove acceptable as a safeguard against the possibility that the original draft might be rejected by the NSC in favor of the DCI's revised draft would be to state definite disagreement with the revised draft and submit two changes thereto which would be designed to dispose of the Executive Secretary's objections to the original draft, yet wouldn't alter the substance of the revised draft, so that USCIB's authority over the COMINT field would not be diluted if the DCI's draft were to be adopted by the NSC. Referring to the "original" draft, he said the Navy also recommended that the last sentence of paragraph 2 should be amended so that "only those departments or agencies designated by the President" would appear in place of the "designated by the National Security Council" phrase presently shown. He commented that the idea behind this change sprang from the fact that the NSC has no authority over non-member departments and agencies, whereas the President has such authority. He added that the Navy was also suggesting that paragraph 4 be amended if paragraph 1 of the DCI version were to remain. He read the suggested revision (see Enclosure (A)), adding that it appealed to the Navy as being a somewhat clearer statement of the requirement of unanimity as a prerequisite to any action by Board members in fields under USCIB's purview.

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MEMBERS discussed the foregoing summary and MR. ARMSTRONG and GENERALS BOLLING and AGEE stated their unequivocal disagreement with the revised draft's proposal that the DCI be Chairman of USCIB solely by virtue of his office.

CAPTAIN ESPE commented that, in suggesting changes to the revised draft, the Navy had not disturbed the proposal that the DCI be ex officio Chairman of USCIB because it had been considered that the presence of that provision would answer any requirement by the NSC that all intelligence coordinating dealings with member departments or agencies must be conducted via the DCI.

ADMIRAL INGLIS agreed and commented that even though this provision remained in the draft, the two other changes proposed by the Navy would impose desirable limitations on the functions of the Chairman.

MR. ARMSTRONG said that the Department of State had a fundamental objection to the proposal that the DCI be ex officio Chairman of USCIB. He added that it seemed the Executive Secretary of the NSC, while undoubtedly motivated by the desire to be of aid to all concerned, had made his recommendations without having a complete understanding of the unique nature of the COMINT field. He added that, because ex officio Chairmanship would involve consolidation under the CIA of the tactical arms of the several member departments and agencies, the Department of State considered the "ex officio" provision to be unwise and impractical in this COMINT field of intelligence.

COLONEL HAYES agreed and observed that the adoption of the proposed "ex officio" feature would obviate the necessity for USCIB.

ADMIRAL INGLIS said that if the Navy's revised paragraph 4 were to be accepted (and where the DCI's version of paragraph 1 would be adopted by the NSC) it was also suggested that a change in paragraph 7 of the DCI's draft be made. He read the suggested revision (see Enclosure (A)) and noted that the modifying phrase had been lifted intact from the proposed memorandum by the Executive Secretary, of the NSC and hence would presumably meet with his approval. He continued, however, that the two suggested paragraphs he had read were merely offered as a possible means for securing the NSC's approval in a minimum of time and with minimum controversy. He added that if those present believed the suggestions had little or no merit, the Navy was willing to recede from any or all of the proposals.

25X1

_____ suggested that the most satisfactory way to attack the present problem would be to take the "original" draft NSCID and go over it paragraph by paragraph to see what modifications could be agreed upon in accordance with the views of the DCI. He asked whether members present would consider any change at all in the original draft.

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GENERAL BOLLING replied in the negative.

MR. ARMSTRONG said the original version as commonly agreed upon expressed all the necessary points but added that the Department of State would consider any non-substantive changes which would make it easier to get the NSC's approval of the NSCID.

GENERAL AGEE said he believed that the most expeditious handling of the problem would be to take each paragraph of the original draft and consider it separately.

COLONEL HAYES, noting that he was not a member of the IAC, said he felt that, since on two separate occasions in the past this draft NSCID had been amended and forwarded up the line only to have each such version thrown back down again, preparation of a third amended version would be just a waste of time. He commented that perhaps the best course to follow now would be to wait and be told what to do.

25X1

25X1 [redacted] said the CIA considered [redacted] (the Executive Secretary) opinion to be, in practice, an interpretation of NSC's policy.

CAPTAIN WENGER said that he subscribed, for ADMIRAL STONE, to the statement of Navy policy voiced by Admiral Inglis.

ADMIRAL INGLIS said he would agree to consider the draft, paragraph by paragraph.

ALL MEMBERS agreed to attack the problem in this manner and the original draft NSCID was so considered.

During discussion of paragraph 1 of the original version, as compared with the paragraph 1 shown in the version revised by the DCI in connection with [redacted] recommendations, GENERAL AGEE suggested that the old paragraph 1 be used without change.

25X1

25X1 [redacted] said that there were two possible handlings regarding this paragraph; first, either to use the revised 1 and accompany it with a statement that all concerned except the CIA dissent, or, second, to show both the original and revised paragraph 1 side by side and indicate the preferences for each.

MR. ARMSTRONG said he took this last part of the statement to mean that data accompanying such a form of the draft would indicate that all members preferred the old version of paragraph 1.

25X1 [redacted] said "Yes."

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25X1

25X1 GENERAL AGEE said the procedures suggested by [redacted] seemed to be based upon a peculiar psychology.

MR. ARMSTRONG said he believed that such an approach was required under the rules of procedure for the IAC.

25X1 [redacted] agreed and noted that proposed NSCID's go to the National Security Council as recommendations of the DCI for the coordination of intelligence activities and are accompanied by a statement of the concurrence or non-concurrence of the other IAC members.

GENERAL BOLLING asked whether the DCI had not previously concurred in the "original" draft NSCID.

MR. ARMSTRONG replied in the affirmative and outlined the events which had apparently caused the DCI to withdraw his earlier concurrence.

MEMBERS discussed the role of the Executive Secretary in the events referred to and GENERAL AGEE said it seemed to him to be a case where the CIA was dissenting from the position taken by all other USCIB members.

ADMIRAL INGLIS agreed that such was the case in practice, but said that as the result of external evolutionary processes participated in by other departments and agencies represented on USCIB, the place has been reached where the DCI makes the recommendations and the rest of the organizations can merely concur or dissent.

MR. ARMSTRONG observed that said departments and agencies had apparently put themselves in a sort of "tail wagging the dog" position.

25X1 [redacted] said that the DCI would give careful consideration to the full dissent from the revised paragraph 1 before he forwarded the draft on up to the NSC.

GENERAL AGEE said it appeared to him that all members except the CIA desired to reaffirm their preference for the original paragraph 1 and this left the CIA as the dissenter.

MR. ARMSTRONG suggested that should revised paragraph 1 be shown alone in the next draft NSCID, the philosophy underlying the original paragraph 1 (as stated in the Department of State's memorandum of comment to the DCI) accompany the dissenting statement by the IAC members.

ALL MEMBER AGREED that this would be done.

GENERAL AGEE added that the same practice should be followed in connection with paragraphs 4 and 7 of the revised draft.

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MEMBERS discussed the matter of continuing to take the original draft paragraph by paragraph, as opposed to sending two versions of the NSCID up to the Council, accompanying the revised version with the Department of State's memo of dissent plus the notation that it represented the view of all members except the CIA. The paragraph by paragraph procedure was reaffirmed. With the understanding that no unanimous agreement had been reached on paragraph 1, [redacted] read paragraph 2, noting that the term "designated by the President" had replaced "represented on the Board."

GENERAL BOLLING said he withdrew his objection to any changes in paragraph 2, adding that he considered the cited substitution to be an improvement.

COLONEL HAYES said that one purpose of the substituted phrase was to permit the FBI and FCC to go ahead in COMINT but not be represented on the Board, while another was to take advantage of the President's larger jurisdiction over the departments and agencies of the Government.

A discussion of these facets of the problem ensued during which ADMIRAL INGLIS stated his belief that it would be unrealistic to assume that the FBI could be barred from participating in whatever activities bear upon its responsibility for internal security, and COLONEL HAYES noted that despite any professions of disinterest in the operational aspects of the COMINT effort, ASA and CSAW continue to receive translations from the Federal Bureau of Investigation.

DECISION:

It was unanimously agreed that paragraph 2 of the "original" draft, amended by the substitution of the phrase "designated by the President" instead of "represented on the Board" would be shown in the new draft NSCID.

25X1

[redacted] noted that there had been no changes made in paragraph 3 of the original draft in carrying it over to the revised draft, hence agreement by all was presumed.

DECISION:

25X1

It was unanimously agreed that paragraph 3 of the "original" draft would be shown in the new draft NSCID.

[redacted] read the old paragraph 4 and noted that the revised paragraph 4 had been changed to make the DCI ex officio Chairman of USCIB.

ADMIRAL INGLIS commented that the Navy's suggested revision of paragraph 4 had been prepared to modify the Chairmanship concept.

After a short discussion, all agreed to accept the original paragraph 4.

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It was unanimously agreed that paragraph 4 of the "original" draft NSCID would be shown in the new draft.

25X1

[redacted] read original paragraph 5 and a discussion ensued regarding the jurisdiction and operation of USCIB's decisions. It was agreed that the concept embodied in the amendment to paragraph 2 should be incorporated here too and, as a result, the phrase "and any others designated by the President" was added to the text of the CIA's (the "revised") paragraph 5.

DECISION:

IT was unanimously agreed that paragraph 5 of the "revised" draft NSCID would be amended by the addition of the phrase "and any others designated by the President" after the word "Council" and would be shown in the new draft NSCID.

In addition, since the "original" paragraph 6 had not been changed when subsequently used for the "revised" draft, it was agreed that the "original" paragraph 6 should be shown in the new draft.

5X1 [redacted] asked for views regarding paragraph 7 and noted that the changes which were made over the original paragraph had been incorporated in light of the Executive Secretary's proposed memorandum to the NSC. He observed that paragraphs 1 and 7 of the "revised" draft were mutually interdependent.

MR. ARMSTRONG said that it was on these two paragraphs that the Department of State found itself unable to agree with the Executive Secretary. He added that his department was taking the position that the NSC should decide this basic question.

25X1

[redacted] cited NSCID #1 as containing the basic definition of the relationship of the DCI to the NSC and to the intelligence establishments of the departments and agencies represented on the Council.

COLONEL HAYES said he had heard that there had been an oral understanding at the time NSCID #1 was prepared and promulgated that it did not apply to the COMINT field.

GENERAL AGEE moved that the original paragraph 7 stand.

ADMIRAL INGLIS said the Navy would go along with this if all other members agreed.

25X1

[redacted] suggested that, as the means for disposing of all those provisions of the draft NSCID on which unanimous agreement could be attained, the members by-pass paragraph 7 for the moment and proceed to the less controversial remaining paragraphs. He invited comments on paragraph 8 of the "revised" draft.

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MR. ARMSTRONG said he noted a change over the wording of the original paragraph and cited the added phrase "until concurrence of the Board has been received." He asked why this change had been considered advisable.

25X1 [redacted] replied that it protected USCIB against existing NSCID's.

COLONEL HAYES said USCIB could not judge the applicability of the NSC's Intelligence Directives.

25X1 [redacted] replied that the Board could for COMINT matters.

COLONEL HAYES expressed his belief that the added wording was unnecessary, and GENERAL AGEE agreed. The latter moved that the "original" paragraph 8 be accepted without change and GENERAL BOLLING agreed.

25X1 [redacted] said that the members still ought to take cognizance of the existing NSCID's.

After a short discussion during which ADMIRAL INGLIS and GENERAL BOLLING took the position that it would be presumptuous on the part of USCIB to pass upon directives of the National Security Council, and Mr. ARMSTRONG and GENERAL AGEE agreed that the paragraph was much clearer without the insertion, all members agreed to accept "original" paragraph 8 unchanged.

DECISION:

It was unanimously agreed that paragraph 8 of the "original" draft would be shown in the new draft NSCID.

25X1 [redacted] stated that the draft NSCID as revised by the DCI had not changed paragraphs 9, 10, 11 and 12.

DECISION:

It was unanimously agreed that paragraphs 9, 10, 11 and 12 of the "original" draft would be used in the new draft NSCID.

25X1 [redacted] returned to the disputed paragraphs 1 and 7 and asked for a further expression of views.

ADMIRAL INGLIS said that unofficially the Navy would like to suggest a gentleman's agreement whereby if the DCI wanted to insist on his paragraph 1, ADMIRAL HILLENKOETTER agree to make the changes suggested by the Navy (see Enclosures (A) and (B)) for paragraphs 4 and 7.

25X1 [redacted] agreed to take the suggested amendments with him when he went to talk with the DCI.

CAPTAIN WENGER invited attention to the phrase "in fields other than communication intelligence" appearing in the Executive Secretary's proposed memorandum to the NSC and asked what the phrase should be taken to mean. ADMIRAL INGLIS, GENERAL AGEE, and COLONEL HAYES voiced their similar perplexity regarding this phrase.

25X1

[redacted] observed that NSCID #1 had established the DCI as the executor of NSC policies insofar as the coordination of intelligence efforts of member departments and agencies are concerned.

ADMIRAL INGLIS commented that the NSC would have to umpire such relations in any event.

COLONEL HAYES replied that if the NSC desires the DCI to act as its spokesman for policy, he still could do this in his capacity as a USCIB member and hence there seemed to be no need for any change in the "original" paragraph 1.

25X1

CAPTAIN WENGER agreed and added that the arrangement noted by [redacted] would seem to obviate the need for a USCIB organization. GENERAL AGEE concurred. CAPTAIN WENGER continued that he considered a difference to exist between the requirement of unanimous consent for purposes of offering advice as opposed to such unanimity for purposes of taking action.

ADMIRAL INGLIS again suggested unofficially that the "revised" paragraph 1 could be accepted if the DCI agreed to the Navy's paragraphs 4 and 7 being adopted in such case.

GENERAL AGEE reiterated his aversion to the situation where the majority of the members were put in the position of dissenting from the position advocated solely by the DCI.

25X1

[redacted] once again cited NSCID #1 as an expression of NSC policy, and ADMIRAL INGLIS again sketched the events leading up to the present situation--commenting that the Navy had preferred to have USCIB placed under the Joint Chiefs of Staff but this had not proved acceptable to the civilian members of the Board and the matter had been referred to Secretary Forrestal who, after conferring with Secretary Marshall, had replied that the Board should be placed under the NSC.

25X1

[redacted] said he would go on the basis that all IAC members were in unanimous disagreement with the DCI's version of paragraph 1 (i.e. the "revised" version).

25X1

MR. ARMSTRONG commented that here the real situation could be described best by saying that members were considering an "IAC version, concurred in by the DCI" and a subsequent "Executive Secretary version," prepared by the DCI to accommodate the objections of the Executive Secretary of the NSC. He added his belief that it would be best to send the former version up to the NSC and let the Executive Secretary submit his comments at that level. He asked why the DCI would not follow that procedure, and [redacted] replied that the DCI would give it full consideration.

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ADMIRAL INGLIS moved that the meeting adjourn and the other members indicated their consent.

LIEUTENANT ADAMS asked ADMIRAL INGLIS whether a decision had been reached on the disputed paragraphs 1 and 7 and the Admiral replied that he was Chairman of USCIB. The question was subsequently referred to [redacted] who expressed satisfaction that a decision had been reached as follows:

DECISION:

It was unanimously agreed that:

- (a) Paragraph 1: All members except the CIA strongly expressed non-concurrence with the "CIA" draft of paragraph 1. In this connection, the views of the Department of State, expressed in its memorandum of comment submitted to the Director of Central Intelligence in accordance with his request for voting slips were considered. The Department of State requested, with the Army, Navy and Air Force members concurring, that this memorandum accompany the revised draft when it is submitted to the National Security Council and be considered, by the Council, as representing the views of their respective departments.
- (b) Paragraph 7: All members except the CIA strongly expressed non-concurrence with the CIA draft of paragraph 7. The State, Army, Navy and Air Force members requested that paragraph 7 of the "original" draft accompany the revised draft NSCID when it is submitted to the National Security Council and be considered as representing the choice of the Departments of State, Army, Navy and Air Force.

The meeting adjourned at 1605.

C. T. R. Adams
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J. E. Fitzpatrick
J. E. FITZPATRICK
Ad Hoc Secretariat

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